

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.3116 of 2017

ORDER:

1 Challenge in this Civil Revision Petition, filed under Article 227 of the Constitution of India, is to the order dated 20.04.2017 passed in I.A.No.952 of 2016 in O.S.No.201 of 2008 on the file of the Court of the Principal Junior Civil Judge, Huzurabad.

2 Heard both sides.

3 The petitioner filed I.A.No.952 of 2016 under Order 26 Rule 7 CPC praying the trial court to issue summons to the Executive Officer of Jammikunta gram panchayat. The respondent filed counter *inter alia* contending that no purpose will be served by summoning the Executive officer of the gram panchayat. The trial court, after affording reasonable opportunity to both parties, dismissed the petition. Hence the present Civil Revision Petition.

4 Now the point for consideration is whether there is any illegality, irregularity or impropriety in the impugned order warranting interference of this Court?

5 A perusal of the record reveals that the petitioner filed O.S.No.201 of 2008 on the file of the Court of the Principal Junior Civil Judge, Huzurabad against the respondent seeking perpetual injunction in respect of house bearing D.No.2-10-10 with open place of 125 sq yards, situated at Jammikunta village & Mandal, Karimnagar district. The trial Court after recording evidence on both sides, posted the suit for arguments. At that stage, the petitioner filed I.A.No.952 of 2016 under Order 26 Rule 7 CPC seeking to issue summons to the Executive Officer

of Jammikunta gram panchayat to clarify the certificate issued by him to the petitioner as well as the respondent.

6 A perusal of the record reveals that the gram panchayat issued the certificate in favour of the petitioner as well as the respondent in respect of the house bearing D.No.2-10-10 and the hotel bearing D.No.2-10-11 respectively.

7 No doubt, the gram panchayat issued certificates to both parties. In a suit for perpetual injunction, the plaintiff has to establish that he has been in possession of the suit schedule property much less as on the date of filing of the suit. Even if summons are issued to the Executive Officer of the gram panchayat, his testimony is no way helpful to resolve the issue involved in the suit. It is not the case of the petitioner that the certificate produced by the respondent is not a genuine one. Even if the Executive Officer is examined, he would simply say that the gram panchayat issued the certificate in favour of the petitioner as well as the respondent. The trial Court considered all these aspects and dismissed the petition. The trial Court has assigned reasons much less cogent and valid reasons to its findings. There is no illegality, irregularity or impropriety in the impugned order, warranting interference of this court while exercising jurisdiction under Article 227 of the Constitution of India. The Civil Revision Petition lacks merits and bona fides.

8 In the result, the Civil Revision Petition is dismissed. No order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand dismissed.

T. SUNIL CHOWDARY, J.

Date: 11.09.2017
Kvsn